

**DELEGATION OF AUTHORITY
SOLID WASTE DISPOSAL ACT (SWDA)**

Administrative Enforcement: Issuance of Complaints,
Signing of Consent Agreements. etc. (Subtitle J)

1. **AUTHORITY.** Under Subtitle J of the SWDA the authority to make determinations of violations, to issue warning letters or other notices, to issue compliance orders, to issue notices to states, to issue complaints, and to negotiate and sign consent agreements memorializing settlements between EPA and respondents.
2. **TO WHOM DELEGATED.**
 - a. The authority to make determinations of violations, to issue warning letters or other notices, to issue compliance orders, to issue notices to states, to issue complaints, and to sign consent agreements memorializing settlements between EPA and respondents is delegated to the Director, Office of Compliance and Enforcement or equivalent.
 - b. The authority to negotiate consent agreements is delegated through the Regional Counsel to attorneys in the Office of Regional Counsel.
3. **LIMITATIONS.**
 - a. This authority may only be exercised prior to the alleged violator filing an answer or failure to file an answer to an administrative complaint or, in the event of a failure to file an answer, within the period to file an answer which is set by the complaint. (Note: this limitation may have been superseded by provisions of 40 C.F.R. Part 22.)
 - b. Delegates must consult with the Office of Regional Counsel before issuing complaints or signing consent agreements.
 - c. Clearance or approval of the form, text, and legal sufficiency of each legally operative document issued under this delegation must be obtained from the Office of Regional Counsel before that document is signed and issued.

4. REDELEGATION AUTHORITY. This authority may not be redelegated.
5. SUPERSESSSION. This delegation supersedes R10 8-43 (4/25/02) and any prior delegation of the same authority.
6. REFERENCES.
 - a. Delegation 8-43 (5/11/94).
 - b. Section 11005 of the SWDA.

May 28, 2004
Date

/s/ L. John Iani
L. John Iani
Regional Administrator